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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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GREENBERG TRAURIG, P.C.
77 WEST WACKER DRIVE
CHICAGO, IL 60601-1732

EXAMINER	
SHAPIRO, LEONID	

ART UNIT	PAPER NUMBER
2673	

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11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,423	PATRICK HAYES	
	Examiner	Art Unit	
	Leonid Shapiro	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 September 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 3, 5-6, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amro et al. (US Patent No. 6,507,762 B1).

As to claim 1, Amro et al. teaches a system comprising: a appliance having memory (See Fig. 5, item 128, in description See Col. 5, Lines 26-28), the memory having stored therein an electronic document comprising human-readable information in form for instructing a consumer how to operate of the appliance (the function and appearance of the graphical interface including control panel) (See Fig. 6B, item 290, in description See Col. 6, Lines 5-9); and a hand-held device having a display (See Fig. 5, item 116, in description See Col. 5, Lines 13-19); wherein the appliance and the hand-held device are adapted to communicate such that the appliance can transmit signals indicative of the electronic document (graphical interface and configuration file in Amro et al. reference) to the hand-held device and the hand-held device can display in the display a representation of the electronic interface (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17).

Amro et al. does not show consumer appliance.

Since Amro et al. teaches controlling an appliance using a portable device such as a personal digital assistant (See Col. 7, lines 50-58), it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Amro et al. apparatus and method also to the

consumer appliances in order to allow consumer appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claim 5, Amro et al. teaches a method of displaying information to a consumer relevant to the operation of the appliance (See Fig. 6B, item 290, in description See Col. 6, Lines 5-9), comprising: retrieving an electronic document from a memory resident on the appliance, the electronic document comprising human-readable information in a form for instructing a consumer how to operate the appliance (the function and appearance of the graphical interface including control panel) (See Fig. 6B, item 290, in description See Col. 6, Lines 5-9); and displaying the document on a hand-held device (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17).

Amro et al. does not show consumer appliance.

Since Amro et al. teaches controlling an appliance using a portable device such as a personal digital assistant (See Col. 7, lines 50-58), it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Amro et al. apparatus and method also to the consumer appliances in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claim 11, Amro et al. teaches a readable media having instructions for displaying a information relevant to the operation of an appliance (See Fig. 6B, item 290, in description See Col. 6, Lines 5-9); and a hand-held device having a display (See Fig. 5, item 116, in description See Col. 5, Lines 13-19), the instructions performing steps comprising: transmitting a

command to the consumer appliance to transmit to the hand-held device an electronic document comprising human-readable information in a form for instructing a consumer how to operate the appliance, the electronic document retrieved from a memory resident on the appliance (the function and appearance of the graphical interface including control panel) (See Fig. 6B, item 290, in description See Col. 6, Lines 5-9); and displaying a representation the transmitted electronic document on a hand-held device (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17).

Amro et al. does not show consumer appliance.

Since Amro et al. teaches controlling an appliance using a portable device such as a personal digital assistant (See Col. 7, lines 50-58), it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Amro et al. apparatus and method also to the consumer appliances in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claims 3, 6, 12 Amro et al. teaches hand-held device is a remote control device having commands for commanding the operation of the consumer appliance (See Figs. 8-9, item 360, in description See Col. 7, Lines 18-21).

2. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Amro et al. as aforementioned in claim 1 in view of Kolawa et al. (US Patent No. 6,236,974 B1).

Amro et al. does not show the appliance as a kitchen appliance and the human-readable information comprise a recipe.

Kolawa et al. teaches the appliance as a kitchen appliance and the human-readable information comprise a recipe (See Fig. 1, items 10,16, in description See from Col. 2, Line 66 to Col. 3, Line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe as shown by Kolawa et al. in Amro et al. apparatus in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

3. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Amro et al. as aforementioned in claim 1 in view of Morris (US Patent No. 6,353,848 B1).

Amro et al. does not show the electronic document in form of mark-up language document.

Morris teaches the electronic document in form of mark-up language document (See Fig. 1A, item 121, in description See Col. 7, Lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use mark-up language document as shown by Morris in Amro et al. apparatus in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

4. Claims 7-8, 10, 13-14, 16-17, 19-25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (US Patent No. 6,437, 836 B1) in view of Amro et al.

As to claim 7, Huang et al. teaches a method of displaying information to a consumer relevant to the operation of a consumer appliance, comprising: receiving a Web server data that function to identify the consumer appliance; using the data at the Web server to retrieve an electronic document comprising human-readable information in a form for instructing a consumer how to operate the appliance that is identified by the data (See Col. 5, Lines 23-25); transmitting the electronic document (an electronic program guide) from the Web server to a hand-held device whereby a representation of electronic document is displayable on the hand-held device (See Fig. 1A, item 119, in description see Col. 5, Lines 22-31).

Huang et al. does not show storing information representative of the consumer appliance in a hand-held device having a display.

Amro et al. teaches the appliance and the hand-held device are adapted to communicate such that the appliance can transmit signals indicative of the electronic document (graphical interface and configuration file in Amro et al. reference) to the hand-held device and the hand-held device can display in the display a representation of the electronic interface (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17).

Since Amro et al. teaches to display a representation of the electronic interface, it would have been obvious to one of ordinary skill in the art at the time of the invention to store information representative of the consumer appliance in hand-held device having a display as shown by Amro et al. in the Huang et al. apparatus in order to allow a appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claims 8, 14, since Huang et al. teaches PalmPilot as part the hand-held device (See Col. 4, Lines 63-67), PalmPilot comprises a browser application for retrieving and displaying the representation of electronic document.

As to claims 10, 16, 27, Huang et al. and Amro et al. do not show the hand-held device comprises a remote control having a memory in which are stored a library command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the data representative of the consumer appliance is also used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliance.

Since Huang et al. and Amro et al. teach hand-held device (a remote control) comprises PDA, it would have been obvious to one of ordinary skill in the art at the time of the invention to store a library command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the information representative of the consumer appliance is also used to select command codes from the library of command codes that are appropriate to command the operation of more than one consumer appliance in the memory a hand-held device the Huang et al. and Amro et al. apparatus and method in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claim 13, Huang et al. teaches in a hand-held device having a display, a readable media having instructions for displaying relevant to the operation of a consumer appliance, the instruction performing steps, comprising: transmitting the data a Web server which uses the data to retrieve an electronic document comprising human-readable information in a form of

instructing a consumer how to operate the consumer appliance (See Col. 5, Lines 23-25); receiving the electronic document (an electronic program guide) from the Web server; and displaying a representation of the electronic document in the display (See Fig. 1A, item 119, in description see Col. 5, Lines 22-31).

Huang et al. does not show storing that functions to identify the consumer appliance.

Amro et al. teaches the appliance and the hand-held device are adapted to communicate such that the appliance can transmit signals indicative of the electronic document (graphical interface and Configuration File in Amro et al. reference) to the hand-held device and the hand-held device can display in the display a representation of the electronic interface (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17). Since Amro et al. teaches to display a representation of the electronic interface, it would have been obvious to one of ordinary skill in the art at the time of the invention to store information data that function to identify the consumer appliance in hand-held device having a display as shown by Amro et al. in the Huang et al. apparatus in order to allow a appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claims 17, 23 Huang et al. teaches a system, comprising: a Web site on which is an electronic document comprising human-readable information in a form for instructing a consumer how to operate the make of the consumer appliance (See Col. 5, Lines 23-25); wherein the hand-held device is adapted to communicate the data to the Web site to retrieve the electronic document whereby a representation of the electronic document may be displayed in the display (See Fig. 1A, item 119, in description see Col. 5, Lines 22-31).

Huang et al. does not show a hand-held device having a display and memory in which is stored data that functions identify a make of a consumer appliance.

Amro et al. teaches the appliance and the hand-held device are adapted to communicate such that the appliance can transmit signals indicative of the electronic document (graphical interface and Configuration File in Amro et al. reference) to the hand-held device and the hand-held device can display in the display a representation of the electronic interface (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17).

Since Amro et al. teaches to display a representation of the electronic interface, it would have been obvious to one of ordinary skill in the art at the time of the invention to store information representative of the consumer appliance in hand-held device having a display as shown by Amro et al. in the Huang et al. apparatus in order to allow a appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claims 19-22, 24 Huang et al. and Amro et al. do not show the human-readable information comprises multiple linked pages and browser which adapted user manual.

Since Huang et al. and Amro et al. teach hand-held device (a remote control) comprises PDA, it would have been obvious to one of ordinary skill in the art at the time of the invention that PDA will be able to use the human-readable information with multiple linked pages and browser which adapted user manual in the Huang et al. and Amro et al. apparatus and method in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claim 25, Huang et al. teaches the network compises the internet (See Col. 3, Lines 32-33).

5. Claims 9, 15, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. and Amro et al. as aforementioned in claims 7, 13, 23 in view of Ketcham (US Patent No. 6,195,589 B1).

Huang et al. and Amro et al. do not show a bar code reader as part of the hand-held device for use in entering the data representative of the consumer appliance and the method comprises receiving the data in a transmission from hand-held device.

Ketcham teaches a bar code reader as part of the hand-held device for use in entering the information representative of the consumer appliance (See Fig. 3, item 54, in description See Col. From Col. 3. Line 60 to Col. 5, Line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a bar code reader as shown by Ketcham in Huang et al. and Amro et al. method in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

6. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. and Amro et al. as aforementioned in claim 17 in view of Kolawa et al. (US Patent No. 6,236,974 B1).

Huang et al. and Amro et al. do not show the appliance as a kitchen appliance and the human-readable information comprise a recipe.

Kolawa et al. teaches the appliance as a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe (See Fig. 1, items 10,16, in description See from Col. 2, Line 66 to Col. 3, Line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a kitchen appliance and the human-readable information comprise a recipe as shown by Kolawa et al. in Huang et al. and Amro et al. apparatus in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

Response to Amendment

7. Applicant's arguments filed on 09-11-03 have been fully considered but they are not persuasive.

On page 12, 2nd paragraph of Remarks the applicant's stated: "no human-readable instructions are provided by the appliance for the purpose of instructing the consumer how to use the graphical user interface to operate the appliance". However, Amro et al. stated that configuration object 290 describes the functions and appearance of the graphical interface, including control panel Obviously, all description are computer created and are human-readable. It is not clear, why the consumer need to find a printed user manual when there is a description of the functions and appearance of the graphical interface, including a control panel (See Fig. 6B, item 290, in description See Col. 6, Lines5-9).

On page 13, 2nd paragraph and page 14, 2nd and 3rd paragraphs Applicant's stated that Huang, Kolawa and Moriss references do not address all limitations of the claims. However,

Applicant's cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references. In re Keller, 208 USPQ 871 (CCPA 1981).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

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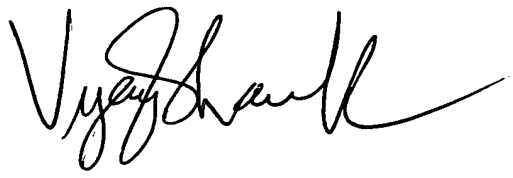

VIJAY SHANKAR
PRIMARY EXAMINER